

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

|                           |   |                    |
|---------------------------|---|--------------------|
| UNITED STATES OF AMERICA  | ) |                    |
|                           | ) |                    |
| v.                        | ) | CASE NO. CR416-005 |
|                           | ) |                    |
| JOHN ROBERT PADGETT, JR., | ) |                    |
|                           | ) |                    |
| Defendant.                | ) |                    |
|                           | ) |                    |

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O R D E R

Before the Court is Defendant John Robert Padgett Jr.'s Motion for Clarification (Doc. 47), which the Government opposes (Doc. 48). In his motion, Defendant claims that the prison in Kentucky that he is housed in refused to follow the Court's recommendation to credit Defendant with time served. (Doc. 47 at 1.) Defendant relies on this Court's judgment, entered on April 4, 2016, which recommends the Federal Bureau of Prisons ("BOP") give Defendant credit for time served "in custody since December 27, 2015." (Doc. 45 at 2.)

The Court must deny Defendant's motion. Attached to his motion is a response from the warden denying Defendant's request for administrative remedy regarding the credit for time served. (Doc. 47 at 2.) If Defendant has fully exhausted his administrative remedies with the BOP, Defendant may mount a judicial challenge to the BOP's

decision by filing a civil action under 28 U.S.C. § 2241 in the district and division of his confinement, paying the filing fee or moving to proceed in forma pauperis, and naming the warden as respondent. Fernandez v. United States, 941 F.2d 1488, 1495 (11th Cir. 1991); United States v. Gaynor, No. CR 406-014, 2016 WL 4030076, at \*1 (S.D. Ga. July 26, 2016); see also United States v. Nyhuis, 211 F. 3d 1340, 1345 (11th Cir. 2000) ("A claim for credit for time served is brought under 28 U.S.C. § 2241 after the exhaustion of administrative remedies.") According to the BOP's website, Defendant is incarcerated at the Federal Correctional Institution in Edgefield, South Carolina. Consequently, even should Defendant pursue a petition pursuant to 28 U.S.C. § 2241, such relief would be outside the jurisdiction of this Court. Accordingly, Defendant's Motion for Clarification (Doc. 47) is **DENIED**.

SO ORDERED this 12<sup>th</sup> day of June 2020.



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WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA